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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,249	10/16/2003	Anthony Edward Martinez	AUS920030708US1	9395

7590

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EXAMINER

BEAULIEU, YONEL

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,249

Applicant(s)

MARTINEZ, ANTHONY EDWARD

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Amendment

The amendments to claims 1, 7 – 10, 29, and 30 (as well as added claim 31) have been acknowledged.

Response to Arguments

Applicant's arguments filed 6/10/05 have been fully considered but they are not persuasive. The added limitations are new matter and not supported by the specification.

Claim Rejections - 35 USC § 112

Claims 1 – 30 and added claim 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does NOT support “prior to opening said door, using a distance measuring device for ...”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 14 – 16, 20, 28, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuoka et al. (US 4,383,206).

Regarding claims 1, 2, 6, 14 – 16, 20, 28, and 31, Matsuoka et al. teaches controlling a door open limit comprising determining an obstacle distance representative of a distance between the door and obstacle in the path of the door and providing a limit signal related to the distance (col. 1, lines 4 – 11 and col. 10, lines 22 – 49 at least); applying the signal to a door opening limit apparatus to effectively set an allowable limit, being less than the obstacle distance, to which the door can be opened (abstract; see figs. 6, 7 at least); selectively enabling overriding the limit by an exertion of an additional force to open the door (col. 3, lines 34 – 41; col. 4, lines 51 – 68 and col. 6, lines 50 – 60); terminating control operation when an emergency condition is detected (col. 10, lines 21 – 49); a storage medium including machine readable coded indicia (col. 8, lines 12 – 31 and col. 9, lines 1 – 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3 – 5, 7, 8 – 11, 17 – 19, and 21 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka ('206) as applied to claims 1 and 15, directly or indirectly, and further in view of Payne (US 6,080,981).

As discussed above, Matsuoka teaches all of the limitations except for the door being swingable and applicable to a vehicle, the distance measuring device including a radar/sonar system.

However, Payne teaches, in the same field of endeavor of limiting door opening, a door (4/8) being swingable and a measuring device including a radar/sonar system (col. 8, lines 20 – 47 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsuoka's teaching by including the above limitations as evidenced by Payne in order to enhance safety in controlling the door opening limit.

Although both Matsuoka and Payne are somewhat silent on the door being implemented in a movable vehicle being a motor vehicle, at least Payne suggests the combination is suitable for particular application.

Claims 12, 13, 26, 27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka ('206), Payne ('981) and Grossheim et al. (US 4,794,368).

The combination of Matsuoka and Payne teach all of the limitations of claims 12, 13, 26, 27, 29, and 30 except for the alarm signal being an audio signal and the inclusion of a display device providing indication to occupants of the vehicle.

However, Grossheim et al. further teaches, in an analogous art of controlling door opening (col. 5, lines 8 – 21), an alarm signal being an audio signal and the inclusion of a display device providing indication to occupants of the vehicle (col. 9, line 28 – col. 10, line 5; col. 14, line 43 – 60 at least; see also figs. 1-2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsuoka and Payne by including an alarm signal being an audio signal and the inclusion of a display device providing indication to occupants of the vehicle as evidenced by Grossheim et al. in order to enhance door control.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU

YONEL BEAULIEU
PRIMARY EXAMINER